



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,341	02/06/2004	Yasufumi Nakai	009679-064	4494

21839 7590 12/02/2005

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

LE. HOA VAN

ART UNIT PAPER NUMBER

1752

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,341

Applicant(s)

NAKAI ET AL.

Examiner

Hoa V. Le

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-28,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) 4-6,30 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-28 with respect to the applied species is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-6,8-28,30 and 31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

This is in response to Papers filed on 25 October 2005.

I. Applicants confirm the election of the invention of Group I, claims 1-29 and compound (1) in claim 27 being acknowledged.

II. Claims 1-3 and 8-28 with respect to the elected and applied species are rejected under 35 U.S.C. 103(a) as being unpatentable over Morigaki et al (5,270,148) considered in view of Haye et al (6,727,051) and Papai (6,455,236).

Morigaki et al disclose and teach a combined bleaching and fixing (bleach-fixing or blixing) functions by mixing chemical ingredients with water in the form of an aqueous solution having a pH of from 4-7. The chemical ingredients in the aqueous solution are a bleaching agent, up to 3.0 mol/l of a thiosulfate fixing agent, up to 10 mol/l of the elected imidazole species or the applied 2-methylimidazole or both of them, a about 0.35 mol/l of sulfite. Please see the whole disclosure of the applied reference especially at col.34:9-10, 36:47-48 and 60-63 and 67 to 37:1, 17-18, 48-49 and 56-59, 61:58 to 62:15.

Morigaki et al disclose, teach and suggest the use of a sulfite but do not specify up to 0.8 mol/l as those in claims 19-20. Haye et al at col.5:47 is cited to

Art Unit: 1752

show the known teaching and suggestion of the use of a sulfite in a bleaching-fixing composition in a mixture as a known preservative agent in the art.

Morigaki et al disclose, teach and suggest a ready-to-use bleach-fixing solution but do not specify a bleach-fixing concentrate. Papai at col.2:58-60 is cited to show the known bleach-fixing concentrate in a mixture for the advantage of reducing transportation and packaging costs and from about 10-25 wt% of a silver halide photographic bleaching agent on col.5:64 to 6:52.

Since the above references are all related to bleach-fixing compositions, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use or cite the suggested amount of a sulfite for a reasonable expectation of obtain a preservative result as disclosed, taught and suggested in Haye et al and use of cite a concentrated from for a reasonable expectation of obtaining a reduction in transportation and packaging cost as disclosed, taught, suggested and obtained in Papai.

Applicant's arguments filed 25 October 2005 have been fully considered but they are not persuasive.

The record shows that applicants have to amend the claims to overcome the rejection as applied by Morigaki et al (5,270,148) alone.

Applicants include the concentrated mixture limitation of the originally filed claim 29 in the amended claims. Applicants also recognize that the secondary reference with respect to Papai (6,455,236) is additionally used to applied against the originally filed claim 29 now all claims as amended.

Applicants urge that the previous rejection in the Office action mailed on 25 April 2005 use Morigaki et al bleaching amount of 0.5 mol/l. It is correct. However, the above rejection use 10-20 wt% of the silver halide photographic bleaching agent in a concentrated mixture as disclosed, taught and suggested in Papai at col.5:64 to 6:52. One having ordinary skill in the art at the time the invention was made or at the time of the amendment to the claims would recognize that in a concentrated mixture, an amount water is less and amounts of active chemical ingredients including bleaching agent are more than those in a ready-to-use mixture. Applicants should show or provide a convincing evidence to the contrary. It is well known or conventional in the art to make or obtain a photographic processing composition in a concentrated form as that disclosed, taught and suggest in Papai for a reasonable expectation of obtaining less stored space, less weight and cost less to transport from a known read-to-use processing composition as that in Morigaki et al by reduce an amount of water as disclosed, taught and suggested in Papai.

III. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

IV. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

Art Unit: 1752

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
28 November 2005

HOA VAN LE
PRIMARY EXAMINER
